

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 14th DAY OF DECEMBER, 2009 AT 5:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	F. Craig Meadows	-County Administrator
	Martin M. McMahon	-County Attorney
	Ron Bonnema	-County Engineer
	Steve Sandy	-Planning Director
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Old Blacksburg Middle School Property

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
 1. Norfolk Southern Intermodal Facility
 2. Joinder Study with the Blacksburg, Christiansburg/VPI Water Authority
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of a Public Body
 1. Library Board
 2. Park and Recreation Commission

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Annette S. Perkins	

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

CERTIFICATION OF CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

James D. Politis
Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
William H. Brown
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was lead by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

OATH OF OFFICE

Supervisor Annette Perkins, Supervisor Gary Creed, and Supervisor James Politis, who were re-elected to serve as members of the Board of Supervisors for another four year term, took the Oath of Office administered by Circuit Court Judge Ray Grubbs.

DELEGATIONS

Montgomery County Courthouse – Construction Update

Ron Riquelmy, Project Manager, updated the Board of Supervisors on the construction progress of the new courthouse. Mr. Riquelmy reported they are 61 days into construction of the courthouse with 8.36% complete. Final completion date has been set for November 12, 2011. A few unforeseen issues that have been dealt are asbestos in the existing maintenance building that will be torn down, relocation of the existing utilities, and bad weather. Mr. Requelmy reported he will continue to provide the Board with regular updates as the project moves forward.

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, updated the Board of Supervisors on road issues/concerns in Montgomery County as follows:

- Mt. Pleasant Road (SR 639) project is complete. This was Priority #1 on the County's Six Year Secondary Road Improvement Plan.
- VDOT will start bridge work on Nolley Road (SR 613) in January 2010. The road will have to be closed in order for the work to begin.
- Prices Fork Road (SR 685)– major shoulder work on this road is scheduled.
- Stanley Road (SR 667)– Revenue Sharing project is underway.

- Willis Hollow Road (SR 609) (Bridge and Road) – VDOT is working on the necessary right-of-way needed. This project is being funded by the revenue sharing program. Supervisor Creed asked that VDOT do as much of the road that can be done with the funding.
- Walton Road (SR 663) – Request from a citizen for the bank to be cut back to improve the site distance at the beginning of Walton Road (Radford Road side). At the request of the Sheriff and Emergency Services Coordinator, VDOT did cut back some of the rock in order to provide room for public safety vehicles to make it around the curve safely. Mr. Clarke stated that cutting back the bank more will require additional right-of-way.
- McPeak Road (Private Road)– Priority #8 on the County’s Rural Addition List. Request from a citizen to move this project up in order to get the road maintained. Mr. Clarke stated that this road is a very narrow road and will be expensive to upgrade to the state’s standards. The first .02 mile of this road was upgraded in 1983.

New River Valley Economic Development Alliance

Aric Bopp, New River Valley Economic Development Alliance (NRVEDA), provided an overview of services provided by the NRVEDA. Mr. Bopp explained the Alliance was incorporated as a non-profit on February 6, 1990. The Alliance receives \$1 per capita funding from the counties of Floyd, Giles, Montgomery, Pulaski and the City of Radford. The Alliance also receives additional support from the ten towns that make up the New River Valley. The Alliance receives a significant amount of its budget each year from private sector contributions. Roughly 60% of the Alliance budget is public sector contributions and 40% is private sector contributions.

The Alliance’s focus is recruitment of business, industrial, and hi-tech industries into the New River Valley. Their target focus is on industries in manufacturing, automotive suppliers, biotech/life science, data centers, heavy truck industry, home building products, information technology, nanotechnology, power generation/renewable energy, plastics/polymers/chemicals, food and natural products, warehouse distribution, and government and defense. The Alliance has helped bring the following businesses to the New River Valley: FedEx Ground via the Fischer Companies, Inorganic Ventures, Planet Care, Inc., Jenmar Corporation, Moog Components Group, James Hardie Building Products, DEX, and UXB International.

Mr. Bopp showed a video presentation marketing the New River Valley. He thanked the Board of Supervisors for their support of the New River Valley Economic Development Alliance.

PUBLIC ADDRESS

Vernon Taylor addressed the Board about their lawsuit against the Norfolk Southern Intermodal Facility in Elliston. Mr. Taylor voiced concerns about the possibility of the Board appealing the recent Virginia Circuit Court’s action that rejected the County’s lawsuit. He believes it is ill advised to consider appealing to the Virginia Supreme Court; it is money not well spent. Mr. Taylor urged the Board not to appeal the court’s decision.

Richard Rittenhouse spoke in support of the County's decision to appeal to the Virginia Supreme Court to block the construction of an intermodal facility in Elliston. Mr. Rittenhouse also urged the Board to adopt the ordinance proposed by the Citizens for the Preservation of our Country, which he believes will help in the County's effort to oppose the intermodal facility. He stated that if the intermodal facility is built then additional warehouse type industries will be constructed, destroying the countryside.

Julio Stephens asked the Board to continue their fight against the intermodal facility. He urged the Board to reconsider the proposed ordinance submitted by the Citizens for the Preservation of our Country.

Mike Hawes spoke in support for Montgomery County to appeal the Virginia Circuit Court's recent decision ruling in favor of the intermodal facility being constructed in Elliston. He believes it will be more expensive in the future to provide services to this area if the intermodal facility is built.

Fran Forstadt spoke in support for Montgomery County to appeal the Virginia Circuit Court's recent decision ruling in favor of the intermodal facility being constructed in Elliston. Ms. Forstadt voiced concerns with the environmental impacts on the land and river. She urged the Board to protect the health of the citizens in Montgomery County.

Dan Burroughs spoke in support for Montgomery County to appeal the Virginia Circuit Court's recent decision ruling in favor of the intermodal facility being constructed in Elliston. Mr. Burroughs believes the ordinance proposed by the Citizens for the Preservation of our Country will help stop the intermodal. He believes this to be the best and most cost effective way of fighting the intermodal. Mr. Burroughs urged the Board to move forward with the fight against the intermodal facility.

Charlie Bowles expressed concerns with the amount of the County's debt. Mr. Bowles expressed opposition to the new courthouse and recent approval for rezoning of land for business in the 177 Corridor near the Carilion Medical Center. He also expressed concern that the old Blacksburg Middle School property is still vacant and recommended that the School Board Administration Office be moved there. Mr. Bowles strongly urged the Board not to appeal the Virginia Circuit Court's decision in favor of the intermodal facility. He believes the County will not be able to afford the appeal.

Joy Burroughs applauded the Board of Supervisors' efforts in fighting the construction of a intermodal facility in Elliston. Ms. Burroughs voiced disappointment in the State for taking a stand against a county who opposes something. She believes an intermodal facility will destroy the quality of life in eastern Montgomery County and the land will only be gobbled up by industrial type businesses. Ms. Burroughs also urged the Board to adopt the ordinance submitted by the Citizens for the Preservation of our Country to help in the fight against the intermodal.

Mike Burroughs spoke in support for Montgomery County to appeal the Virginia Circuit Court's recent decision ruling in favor of the intermodal facility being constructed in Elliston. Mr. Burroughs believes that the State does not have the right to decide to use public funds for a private industry and that Norfolk Southern should provide 100% of their own money for the construction of a facility.

Mary Novack urged the Board to appeal the Virginia Circuit Court's recent decision ruling in favor of the intermodal facility being constructed in Elliston. Ms. Novack stated the citizens are against the intermodal facility being built in Montgomery County.

Amy Shay appreciates the Board of Supervisors' efforts and hard work on the fight against the intermodal facility. She urged the Board to continue their fight and find a way to keep the intermodal facility out of Elliston.

Aric Bopp addressed the Board regarding the Port of Entry at the New River Valley Airport. Mr. Bopp stated that the Port of Entry will be discussed at the next Economic Development Alliance meeting. He wanted to clarify that the Port of Entry for trade at the NRV Airport is not to be confused with the Intermodal Port Facility for rail. These are two separate issues.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the Consent Agenda dated December 14, 2009 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Mary W. Biggs	
James D. Politis	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

A-FY-10-62 SHERIFF RECOVERED COSTS

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

320	Sheriff – County	\$36,907
322	Sheriff – Project Lifesaver	<u>\$ 200</u>
	Total	\$37,107

The sources of the funds for the foregoing appropriation are as follows:

	<u>Revenue Account</u>	
419108	Recovered Cost – County	\$36,907
424401	Project Lifesaver	<u>\$ 200</u>
	Total	\$37,107

Said resolution appropriates recovered costs and Project Lifesaver funds for use by the Sheriff's Department.

A-FY-10-58
LEAGUE OF WOMEN VOTERS
2010 FACTS FOR VOTERS PUBLICATION
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950	General Contingencies	(\$200)
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TO:

910	League of Women Voters	\$200
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Said resolution transfers appropriated funds from General Contingencies to the League of Women Voters to help cover the cost for the publication of the 2010 Facts for Voters Brochure.

A-FY-10-59
PLANNING AND GIS
TECHNOLOGY FEE APPROPRIATION

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

800	Planning & GIS	\$8,428
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The source of funds for the foregoing appropriation is as follows:

451205 Designated Fund Balance – Technology Fee	\$8,428
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Said resolution appropriates designated fund balance from technology fees collected in FY 09 that were not expended for Land Development Office expenses by year-end.

**A-FY-10-60
SCHOOL OPERATING FUND
SUPPLEMENTAL APPROPRIATION**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

610000 Instruction	\$255,041
640000 Operations and Maintenance	<u>\$306,767</u>
Total	\$561,808

The sources of funds for the foregoing appropriation are as follows:

<u>Revenue Account:</u>	
GAPS – Grants	\$255,041
Rebates and Refunds	\$66,815
Universal Service Discounts (E-Rate)	<u>\$239,952</u>
Total	\$561,808

Said resolution appropriates additional funds for the School Operating Fund.

**R-FY-10-87
A RESOLUTION APPROVING EASEMENT TO
AEP FOR ELECTRICAL SERVICE TO
NEW COURTHOUSE FACILITY**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the granting of an electrical service easement to American Electrical Power (AEP) in order to reconfigure electrical service for the existing courthouse and jail facility and provide new service to the new Courthouse facility.

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby authorizes Annette S. Perkins, Chair, to execute the AEP easement document(s) required to reconfigure the existing service and provide new service to the new Courthouse facility.

R-FY-10-88
RESOLUTION WITHDRAWING PROPERTY IDENTIFIED AS A PORTION OF
TAX MAP NUMBERS 39-A-18, 39-A-6, 39-A-52, AND 39-A-18A TOTALING
APPROXIMATELY 184 ACRES OWNED BY JAMES O. HOGE, JR. ESTATE
FROM AGRICULTURAL AND FORESTAL DISTRICT 1

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Property identified as a portion of Tax Map Numbers 39-A-18, 39-A-6, 39-A-52, AND 39-A-18A (together referred to as the "Hoge Property" shown more particularly by survey on the attached plat) totaling approximately 184 acres is in Agricultural and Forestal District (AFD) 1; and

WHEREAS, Carol Flynn Hoge, Co-executor, an heir to the James O. Hoge Estate, the owner of record of the Hoge Property has sent a letter to the County dated November 16, 2009 requesting that the Hoge Property consisting of approximately 184 acres as shown on the attached plat be withdrawn from AFD 1 pursuant to the authority granted under Section 2-151 of the Code of the County of Montgomery, Virginia; and

WHEREAS, Section 2-151 of the Code of the County of Montgomery entitles any heir as a matter of right upon the death of the property owner to withdraw such land from the AFD provided the written notice of withdrawal is made within two years of the date of the death of the owner; and

WHEREAS, Based on the records of the Commonwealth of Virginia the owner of the Hoge Property, James O Hoge, Jr., passed away on November 20, 2007 making the request for withdrawal in accordance with the requirements of the Montgomery County Code.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby acknowledges the withdrawal of the Hoge Property totaling approximately 184 acres shown more particularly by survey on the attached plat and identified as a portion of Tax Map Number 39-A-18, 39-A-6, 39-A-52, and 39-A-18A from AFD 1 as entitled by matter of right under Section 2-151 of the Code of the County of Montgomery, Virginia.

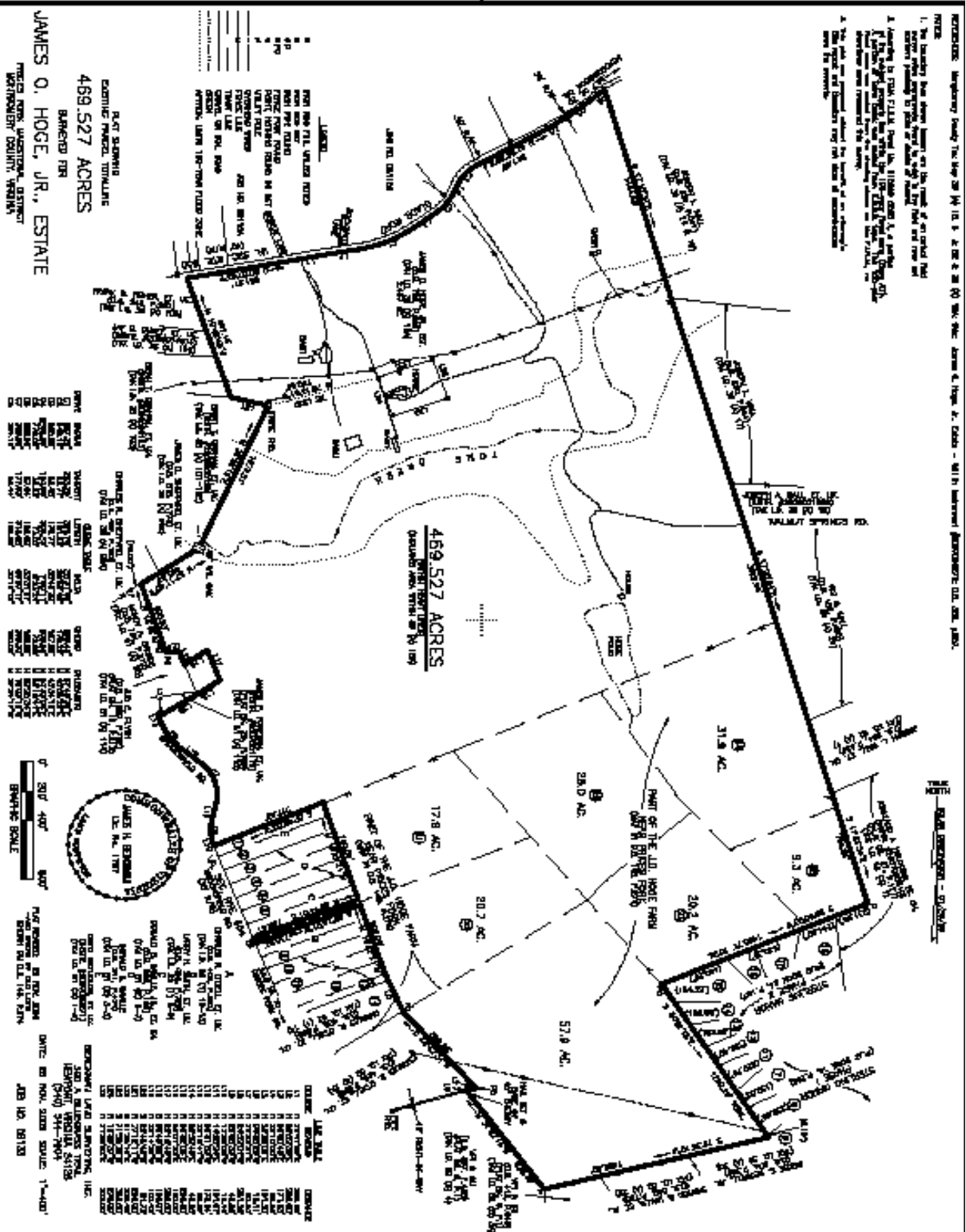
NOTES: Maryland State Tax Map 200 (p. 12, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100).

FILE

1. The Broadway Book shows, known as the "rule" or "crystal ball" pattern, often incorporates floral or leafy motifs and may be extremely pleasing to those in search of pattern.

[illegible]

4. The fact that the defendant's attorney is involved in a conspiracy with the defendant to defraud the victim is not a defense to the crime.



R-FY-10-89
REFER TO THE PLANNING COMMISSION
REQUEST TO CHANGE ZONING ORDINANCE BY AMENDING A-1 ZONING TO
INCLUDE “SCHOOL OF SPECIAL INSTRUCTION” AS A PERMITTED USE

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a request from Robert and Jennifer Speiden to change the county’s zoning ordinance by amending A-1 zoning to include “school of special instruction” as a permitted use is hereby referred to the Planning Commission for review and recommendation to the Board of Supervisors.

R-FY-10-90
RESOLUTION NAMING A NEW STREET
KINGS COURT

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, There is an unnamed private street located off Mud Pike Road (SR 666) of the County; and

WHEREAS, The County requests this street be named Kings Court; and

WHEREAS, Kings Court complies with the County Street Name Policy.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that after duly considering said request, the Board hereby approves the use of the name Kings Court for an unnamed private street located off Mud Pike Road (SR 666).

R-FY-10-91
ADDITION TO THE SECONDARY SYSTEM
OF STATE HIGHWAYS
BROOKLYN AVE. (SR 1454)

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The street described below is shown on a plat in the Clerk’s Office of the Circuit Court of Montgomery County; and

WHEREAS, The representative for the Virginia Department of Transportation has advised the Montgomery County Board of Supervisors that this street meets the requirements established by the Virginia Department of Transportation’s Subdivision Street Requirements and recommends this street be added to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer:

ADDITION:

The Preserve at Walnut Creek

Name of Street:

► **Brooklyn Ave, (SR 1454)**

From: Crosscreek Drive (SR 1450)

To: cul-de-sac, a distance of: 0.36 miles.

Recordation Reference: Instrument # 2008011650

Right of Way width = 50 feet

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

R-FY-10-92
CLEO REPRESENTATIVE ON THE
WORKFORCE INVESTMENT CONSORTIUM BOARD
APPOINTMENT

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **William H. Brown** to the New River/Mount Rogers Workforce Investment Consortium Board, effective January 8, 2010 and expiring January 7, 2011.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

R-FY-10-93
PARKS AND RECREATION COMMISSION
APPOINTMENT

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Paul L. Smeal**, who resides in District A, to the **Parks and Recreation Commission**, effective December 19, 2009 and expiring December 18, 2012.

R-FY-10-94
PLANNING COMMISSION
APPOINTMENT

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Malvin L. Wells** to the **Montgomery County Planning Commission** effective December 20, 2009 and expiring December 19, 2013.

OLD BUSINESS

ORD-FY-10-21
AN ORDINANCE RENEWING
AGRICULTURAL AND FORESTAL DISTRICT (AFD-6)
CONSISTING OF APPROXIMATELY 1330 ACRES
SOUTH OF SHAWSVILLE
WITHIN MONTGOMERY COUNTY, VIRGINIA

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Given Land Associates, the Estate of Ann Gardner Gray, Mary Rordam, Macon Sammons, Jr., Jimmy Odell Yobb, C.M. Yopp, Jr. and Robert Williams, have filed an application for the renewal of AFD-6 on November 13, 2009, which Agricultural and Forestal District was created by an ordinance adopted on the 26th day of May, 1981; renewed by an ordinance adopted on the 14th day of October, 1985, and renewed by an ordinance adopted on the 9th day of October, 1989 and 12th day of October 1993 and the 9th day of October 2001; and

WHEREAS, The existing AFD-6 members were notified by U.S. Mail concerning the renewal of the current term and asked to file an application to continue the district; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on November 10, 2009; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on November 11, 2009 and November 18, 2009 in the Roanoke Times-New River Valley Current, newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on November 19, 2009; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on November 23, 2009; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on November 23, 2009.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

- 1) That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.
- 2) That this Agricultural and Forestal District, AFD-6, has been reviewed and is hereby continued and renewed for a term of eight years terminating on December 31, 2017, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.
- 3) That said District as renewed shall consist of approximately 1330 acres in the Shawsville Magisterial District of Montgomery County, and shall include the following parcels:

Parcel ID	Name	Acreage
007135	Givens Land Associates	146 acres
006892	Estate of Ann Gardner Gray	185 acres
006888,006887, 006886, 006889	Mary Rordam	232 acres
006885	Macon Sammons, Jr.	483 acres
021621,021616	Jimmy Yopp	124 acres
021619	C.M. Yopp	34 acres
021614,021615	Robert Williams	126 acres
	Total Acreage	1330 acres

- 4) That these parcels qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
- 5) That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
- 6) That lawful termination of any owner's association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.
- 7) That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are consistent with the Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.
- 8) That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance.
- 9) That the landowners of said District who do not already have either a conservation plan for agricultural and or a forestry management plan for forest lands shall apply to the appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption.

The vote on the foregoing ordinance was as follows:

AYE

Mary W. Biggs
Doug Marrs
John A. Muffo
William H. Brown
James D. Politis
Gary D. Creed
Annette S. Perkins

NAY

None

ORD-FY-10-22
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION
OF APPROXIMATELY 6.832 ACRES FROM AGRICULTURAL (A-1) TO GENERAL
BUSINESS (GB) IN THE RINER MAGISTRERIAL DISTRICT LOCATED AT 2352,
2354, AND 5110 NORTH FORK RD IDENTIFIED AS TAX PARCEL NO(S) 46-A-6A, 6B,
12B, 12E. PARCEL NO(S) 035143, 035144, 015955, AND 030792
HENRY & SARAH ANN BRABHAM AND BRABHAM ENTERPRISES, LLC

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore the zoning classification of that certain tracts or parcels of land consisting of approximately 6.832 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to General Business (GB) with the following proffered conditions:

1. All development shall be served by Montgomery County PSA sanitary sewer and water. The rezoning of the property does not allocate or reserve water and sewer capacity for the proposed development. Site plan approval for the development shall be conditioned upon adequate water and sewer capacity being available. The applicant may be responsible for bearing the cost of any necessary utility infrastructure improvements needed by the PSA both on site and off site to accommodate the requested capacity based on the proposed use for the Property.
2. A detailed site plan/subdivision plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator and all other necessary local and state agencies prior to issuance of building permits for this development.
3. The realigned Reese Mountain road shall be constructed and a new entrance permit approved prior to the closure of the existing Reese Mountain Road. All VDOT Standards, Specifications, and Regulations shall be adhered to in the closure of the existing Reese Mountain Road entrance. Reese Mountain Road shall be realigned prior to the issuance of building permits on Tax Parcels 46-A-12B & 46-A-12E. The realignment of Reese Mountain Road shall consist of the closure of the existing entrance to Reese Mountain Road at North Fork Road (Route 603) and the design and construction of a new access route from the Norfolk & Southern Railroad crossing to North Fork Road.

The realigned portion of Reese Mountain Road shall be paved and provide a direct connection to North Fork Road. The realigned portion of Reese Mountain Road shall not contain off-street parking or other impediments to free access to North Fork Road. Maintenance and upkeep of the realigned portion of Reese Mountain Road shall be the responsibility of the property owner(s) of Tax Parcels 46-A-12B, 46-A-12E, 46-A-6A and/or 46-A-6C. The realigned Reese Mountain

Road will be a minimum of twenty-four (24) feet wide paved with a cross section of 8" 21A Base Stone and 2" SM-9.5A Asphalt.

4. Tax Parcels 46-A-12B & 46-A-12E may each have one entrance onto the realigned Reese Mountain Road. Should these tax parcels be combined, only one entrance shall be allowed.
5. Tax Parcel 46-A-6C may have no more than three entrances onto the realigned Reese Mountain Road.
6. Tax Parcel 46-A-6A may have one entrance onto the realigned Reese Mountain Road.
7. Tax Parcels 46-A-6C & 46-A-6A may be developed prior to the realignment of Reese Mountain Road if no access to the existing Reese Mountain Road is provided.
8. Grading will be performed as approved by VDOT on Tax Parcels 46-A-5D and 46-A-5A as needed to achieve sight distance in accordance with the Traffic Analysis recommendations prior to the issuance of a commercial entrance permit for the development of Tax Parcels 46-A-12B, 46-A-12E, 46-A-6C, and 46-A-6A. In addition, Reese Mountain Road shall not be realigned until such grading has been completed.
9. Stormwater management shall be in accordance with all State and Local stormwater management (Quantity and Quality) standards.
10. The following architectural standards of the development will be incorporated into the development to provide compatibility with commercial uses at other I-81 interchanges within Montgomery County:
 - a. No heating, air conditioning or mechanical equipment shall be placed on the roof of any building unless screened from ground level. Flat roofs shall have a parapet wall tall enough in height to screen any roof mounted mechanical equipment.
 - b. The exposed portions of all exterior wall surfaces of each building on the Property (excluding rooftop screening materials for mechanical equipment) shall be designed and constructed of similar materials. This proffer shall not preclude the use of a design that alternates a combination of permitted materials for architectural effect. Building materials shall consist of brick, stone, split face block, EIFS such as Dryvit or cementitious siding.

- c. Roofing materials for pitched roofs shall be metal, natural or composite shingle. Buildings with flat roofs shall have a decorative cornice at the top of all walls.
 - d. When a building is adjacent to a public right of way, architectural detail shall be incorporated to create architectural character on the building faces that are visible from that public right of way. Details may include highlighting foundations, lintels, sills and cornices with contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries.
 - e. Windows and doors shall have a regular pattern of solids and voids that are consistent throughout individual buildings when visible from a public right of way.
 - f. Building elevations shall be included with all site plan submittals.
 - g. Prefabricated metal buildings with vertical metal siding shall be prohibited.
11. The following uses shall not be permitted as by right uses on Tax Parcels 46-A-12B, 46-A-12E, 46-A-6C, and 46-A-6A; however, they may be permitted by Special Use Permit.
- a. Cemetery
 - b. Church
 - c. Civic Club
 - d. Crematorium
 - e. Custom meat cutting, processing and sales, excluding slaughtering
 - f. Funeral Home
 - g. Homeless Shelter
 - h. Public Utility Lines, other distribution or collection facilities
 - i. Radio Station
 - j. School
 - k. Telecommunication tower, attached
12. Pedestrian access shall be provided between all developed Tax Parcels. This access shall consist of a minimum of a four (4) foot wide paved trail system or sidewalk. Access shall be developed in conjunction with the development of the individual parcels.
13. All site lighting shall be outfitted with a cut-off style fixture to minimize glare onto adjacent properties.

14. A LOMA/R-F shall be submitted for approval to FEMA within 90 days of the rezoning approval of Tax Parcels 46-A-12B, 46-A-12E, 46-A-6C, and 46-A-6A. No development shall occur on these parcels until such time as FEMA approves the Letter of Map Revision (LOMR).

The property is located at 2352, 2354, and 5110 North Fork Rd. and is identified as Tax Parcel No. 46-A-6A, 6B, 12B, 12E (Account #'s 035143, 035144, 015955, 030792) in the Mount Tabor Magisterial District. The property currently lies in an area designated as Mixed Use within the Village Expansion area in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

AYE

Doug Marrs
John A. Muffo
William H. Brown
James D. Politis
Mary W. Biggs
Gary D. Creed
Annette S. Perkins

NAY

None

NEW BUSINESS

R-FY-10-95

**RESOLUTION APPROVING THE AGREEMENT WITH VDOT FOR THE GRANT
TO CONSTRUCT THE HUCKLEBERRY TRAIL EXPANSION PROJECT AND
THE AGREEMENT WITH THE TOWN OF CHRISTIANSBURG
ESTABLISHING THE TOWN'S AND COUNTY'S ROLE
IN ADMINISTERING THE GRANT**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

WHEREAS, On October 22, 2007, the Board of Supervisors of the County of Montgomery authorized staff to submit an application for a Transportation Enhancement Grant ("the Grant") through the Virginia Department of Transportation (VDOT) on behalf of the Town of Christiansburg for the expansion of the Huckleberry Trail in the Town of Christiansburg ("the Project"); and

WHEREAS, The County has been notified by VDOT that the County was awarded the Grant from VDOT in the amount of \$165,000 subject to a twenty percent (20%) local match of \$41,250 to construct the Project; and

WHEREAS, The Town of Christiansburg has agreed to provide the twenty percent (20%) match with cash or allowable in kind services and to enter into an Agreement with the County establishing the County's and Town's role in administering the Grant; and

WHEREAS, The Board of Supervisors hereby authorizes the County Administrator to execute the Agreement with VDOT to administer the Grant conditioned upon the Town of Christiansburg first agreeing to enter into an Agreement with the County stating that the Town shall be responsible for the twenty percent (20%) local match under the Grant and for constructing the Project and performing other duties in administering the Grant as outlined in the attached Agreement with the County.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to accept the \$165,000 Grant to be used for the Huckleberry Trail extension project and enter into the Standard Project Administration Agreement with VDOT conditioned upon the Town executing an Agreement with the County agreeing to pay the required twenty percent (20%) match under the Grant and to be responsible for constructing and administering the Project as outlined in the attached Agreement.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes F. Craig Meadows, County Administrator, to execute the attached Agreement with the Town establishing the Town and County's role under the Grant and to sign the Standard Project Administration Agreement with VDOT required by the Grant once the Agreement with the Town is fully executed.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
William H. Brown	
James D. Politis	
Mary W. Biggs	
Gary D. Creed	
Doug Marrs	
Annette S. Perkins	

AGREEMENTS

THIS AGREEMENT made this 16th day of December, 2009, by and between the County of Montgomery, Virginia, hereinafter referred to as "the County" and the Town of Christiansburg, Virginia, hereinafter referred to as "the Town".

WITNESSETH:

WHEREAS, The Town desires to extend the Huckleberry Trail from the New River Valley Mall to the Christiansburg Recreation Center with proposed Phase 1A extending the Trail from the Mall to Peppers Ferry Road (“the Project”); and

WHEREAS, The Town asked the County to sponsor an application for federal TEA grant funds, through the Virginia Department of Transportation (VDOT) Enhancement Program to be used by the Town for the expansion of the Huckleberry Trail; and

WHEREAS, The County agreed to be a sponsor for the grant fund, conditioned upon the Town agreeing to administer the Grant and be responsible for any required local match; and

WHEREAS, VDOT has notified the County as sponsor that VDOT has allocated a \$165,000 grant to the Huckleberry Trail Extension Project subject to the County complying with the requirements of the Grant Program; and

WHEREAS, It is the intention of the Parties that the Town will be responsible for complying with the requirements of the Grant Program on behalf of the County with the County having a limited role and that the purpose of this Agreement is to establish the duties and obligations of the County and Town in administering the grant from VDOT for the Huckleberry Trail Extension Project.

NOW THEREFORE, In consideration of the mutual promises contained herein, the County and Town hereto agree as follows:

1. **Project Administration, Design and Right of Way Acquisition.**

The Town shall be solely responsible for administering and overseeing the Project except for those duties the County has agreed to perform in this Agreement. The Town’s responsibility shall entail the design, acquisition, construction and inspection of the Project. The Town shall be responsible for obtaining any required building permits and for all environmental coordination and approvals including any required additional permits. The Town shall be required to obtain the required authorization(s) from VDOT to proceed with the Project. In administering the Project the Town agrees to abide by all guidelines applicable to local administered projects as published by VDOT and with all applicable federal, state or local laws and regulations. The Town agrees that the design costs for the Project are to be funded outside of the Grant Application. Nevertheless the Town agrees that the Project shall be designed and constructed to meet or exceed current American Association of State Highways and Transportation Officials Standards or supplementary standards approved by VDOT. The Town shall be required to submit the Quarterly Project Status Report on the form provided by VDOT each quarter starting January 2010 either to the County so that the County may forward the reports to VDOT or directly to VDOT. The Town agrees to provide the County in a timely fashion with all the documentation required of the County as sponsor by VDOT or by the Federal Government under this Grant. The Town shall maintain accurate and complete records

of the Project's development and documentation of all expenditures and make such information available for inspection and auditing by VDOT. The Town shall complete the Project and expend the \$165,000 enhancement allocation by October 1, 2013 or the Project may be subject to de-allocation.

The Town shall be responsible for acquiring or obtaining all the necessary rights-of-way for the Project. The Town shall be responsible for obtaining any required survey work or property appraisals for the Project. The Town shall consult with VDOT and obtain VDOT approval prior to any acquisition of property including prior approval to use any appraisals or outside counsel in connection with any condemnation proceedings. All of the right of way obtained and used for this Project shall be owned by the Town.

2. Construction and Procurement of Materials.

The Town proposes to divide the overall extension of the Huckleberry Trail into three phases. Phase 1A starts at the New River Valley Mall and extends the Trail to Peppers Ferry Road, Va. Rt. 114 but not across the Road. The Town believes the current grant of \$165,000 plus the local match of \$41,250 provided by the Town shall be enough funds to finish Phase 1A. The Town shall obtain prior written approval from VDOT authorizing the construction and use of the allocated grant funds and local match for the Project which includes Phase 1A only. The Town shall obtain written approval from VDOT for phasing the future extension of the Huckleberry Trail which is not currently funded. The Town shall be responsible for providing the required local match of \$41,250 either in funds or in kind services allowable under the Grant. The Town shall be responsible for all activities necessary to complete the phases of construction necessary to complete the Project. The Town proposes to use Town forces to perform all the construction to complete the Project; however, the Town agrees that if any construction is done by private contractors and not Town forces, the Town shall comply with construction bid requirements required by VDOT.

The Town shall be responsible for assembling all the bid documentation required by VDOT under this grant including all applicable specifications and federal provisions to procure materials or a contractor required for the Phase 1A construction or any later phases of work. The Town shall obtain prior approval from VDOT prior to requesting the County to procure materials or construction services. The Town shall provide the County with all necessary bid documents including any revisions required by VDOT for approval so that the County can procure the materials or a contractor in compliance with VDOT bid requirements. The County shall comply with all VDOT requirements in procuring the materials or any contractors and shall process the procurement once all bid documents are received from the Town and prior approval is granted by VDOT to proceed. If permitted by VDOT in writing, the Town shall be responsible for all procurement.

3. Flow of Funds and Reimbursement.

The Town agrees to provide the County with the funds necessary to procure materials or any contractor needed to construct the Project unless the Town is authorized by VDOT to handle the procurement. Once the County determines the low bidder the County shall advise the Town and request from the Town the funds needed to purchase the materials or to hire the contractor. The Town shall provide the County with the funds by either check or electronic transfer within five (5) business days of receiving the written request. The County will forego requesting the Town to advance the money if the County is able to seek and receive reimbursement from VDOT prior to paying the contractor or vendor for the materials. The County has no obligation to pay for any materials or services with County funds.

The Town agrees to be responsible for obtaining all prior authorizations required from VDOT before any expenses are incurred that will be later submitted by the Town for reimbursement. The Town shall submit all the required expense documentation to the County so that the County can process reimbursement from VDOT on behalf of the Town. If VDOT permits the Town to seek reimbursement directly from VDOT by-passing the County the Town shall do so. The Town shall be responsible for properly documenting any expense the Town incurs and desires to seek reimbursement through the Grant, including but not limited to copies of invoices, payroll reports, and proof of payment or any other documentation requested by VDOT, including but not limited to an updated project summary and schedule tracking payment requests and adjustments. The Town shall only submit those expenses for reimbursement that are associated with the Project and are eligible for reimbursement. Reimbursement shall be requested by the Town with supporting documentation in the form prescribed by VDOT under this Grant no more frequently than monthly. The Town shall seek reimbursement in a timely manner so that all reimbursement requests are made to VDOT within ninety (90) days after any eligible project expenses are incurred by the Town. The Town shall be responsible for any denial or delay of payment due to submitting for reimbursement later than ninety (90) days after the eligible project costs are incurred. The Town shall maintain all records and documentation for items for which the Town receives reimbursement for a period not less than three (3) years following acceptance by VDOT.

The Town agrees that the County's only obligation in seeking reimbursement is to submit the documentation to VDOT in a timely manner once the County receives the reimbursement request and all the required supporting documentation from the Town. The County has no obligation to reimburse the Town or VDOT should VDOT for any reason not approve a reimbursement request. The Town agrees to reimburse the County should VDOT seek repayment from the County for any prior reimbursement made under the Grant. Should the Project be terminated by the Town prior to completion due to action or inaction by the Town, the Town agrees to pay the County or directly to VDOT the amount VDOT seeks from the County or Town directly for Project expenses incurred by VDOT due to termination of the Project. The Town agrees to pay the County or reimburse VDOT directly for all project expenses incurred by VDOT due to forfeiture of federal or state aid reimbursement due to the Town's failure to administer the Project in accordance with the Grant or any applicable provision of federal, state or local laws and regulations.

In the event the costs of the Project are anticipated to exceed the available funds the Town agrees that it will cooperate with VDOT in providing additional funding or in-kind services for the Project or to terminate the Project before its costs exceed the allocated amount. The County shall have no obligation to provide any funding or in-kind services. The Town shall not be obligated to provide additional funds beyond those appropriated and allocated.

4. **Miscellaneous.**

The Town shall comply with the provisions of Title VI of the Civil Right Act of 1964, regulations of the Department of Transportation, Presidential Executive Order and the Code of Virginia relative to nondiscrimination.

If required by VDOT, the Town shall provide a certificate that Project activities have been performed in accordance with all federal, state or local laws and regulations. If the Town expends over \$500,000 annually in federal funds, such certificate shall include a copy of the Town's single project audit in accordance with the Office of Management and Budget Circular A-133.

This Agreement may be modified in writing by mutual agreement of both the Town and County. The Town and County acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be constructed simply and in accordance with its fair meaning and not strictly for or against any party.

IN WITNESS WHEREOF, each party hereto has been authorized by its governing body to execute this Agreement as of the day, month and year herein written.

COUNTY OF MONTGOMERY, VIRGINIA

By: (s) F. Craig Meadows
F. Craig Meadows, County Administrator

Date: December 21, 2009

TOWN OF CHRISTIANBURG, VIRGINIA

By: (s) R. Lance Terpenney
R. Lance Terpenney, Town Manager

Date: December 16, 2009

R-FY-10-96
DONATION TO MONTGOMERY MUSEUM
CRANK HANDLE AND INTERNAL GEAR MECHANISM
FROM THE OLD COURTHOUSE CLOCK

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, In 1909 the cupola on the Montgomery County Courthouse included a clock and a bell with an eagle perched on the top; and

WHEREAS, In 1953 the bell tower and the clock were removed because of possible danger and damage from high winds and rain, and placed in storage; and

WHEREAS, Since that time the whereabouts of the of the clock has been uncertain; and

WHEREAS, Two pieces of the old courthouse clock have unexpectedly fallen into the hands of county staff, being a crank handle used to rewind the clock weights and the internal gear mechanism; and

WHEREAS, The Montgomery Museum has expressed an interest in accepting a donation of the two pieces of the old courthouse clock for display at the Museum.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to donate the crank handle used to rewind the old courthouse clock weights and the internal gear mechanism, to the Montgomery County Museum.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Gary D. Creed	
Doug Marrs	
John A. Muffo	
Annette S. Perkins	

A-FY-10-61

**SOCIAL SERVICES
FY 10 BUDGET RECONCILIATION**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

540	Social Services	\$198,641
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
xxxxxx	State & Federal	\$258,274
451203	Fund Balance	<u>(\$59,633)</u>
	Total	\$198,641

Said resolution appropriates additional state funding to reconcile the Social Services FY 10 approved budget to the approved state allocation sheet and Laser Reports for FY 10.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Mary W. Biggs	
Gary D. Creed	
Doug Marrs	
John A. Muffo	
William H. Brown	
Annette S. Perkins	

**R-FY-10-97
RESOLUTION OF COMMEMORATION
JOYCELYN V. FOSTER**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The recent death of *Joycelyn V. Foster* has touched and saddened all those who knew and loved her; and

WHEREAS, *Joycelyn V. Foster* lived in Christiansburg for most of her life; was married to Paul H. Foster, Jr. for six years before she was widowed, leaving her to raise two children; and

WHEREAS, Joycelyn V. Foster obtained her BS degree in business and her MS degree in Library Media Specialist by attending Radford College at night while working as a library aide in the Montgomery County Public School system; and

WHEREAS, Joycelyn V. Foster retired in 2000 after working for 28 years in the Montgomery County Public School system, as a Librarian at Christiansburg Primary School and Auburn High School; and

WHEREAS, Joycelyn V. Foster served as a member of the Montgomery-Floyd Regional Library Board from July 2003 through November 2009; and

WHEREAS, Through her responsibilities as a member of the Montgomery-Floyd Regional Library Board **Joycelyn V. Foster** has made a memorable contribution to the Montgomery County community; and

WHEREAS, Joycelyn V. Foster will be greatly missed and lovingly remembered by those who knew her.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby express its deepest condolences and most heartfelt sympathy to the many friends and loved ones of **Joycelyn V. Foster**.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the family of **Joycelyn V. Foster** and that a copy be made a part of the official minutes of Montgomery County, that her memory may be so honored and ever cherished.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
James D. Politis	
Gary D. Creed	
Doug Marrs	
John A. Muffo	
William H. Brown	
Annette S. Perkins	

COUNTY ADMINISTRATOR'S REPORT

NACo Prescription Drug Discount Program - Staff is continuing to work on reviewing information regarding the NACo's Prescription Drug Discount Program. This is a program offered to all localities for its citizens through the National Association of Counties. There is no charge for the services and it is free to all citizens. Both Giles County and Pulaski County are participating members.

Metropolitan Planning Organization (MPO) – Notice of Public Meeting - The Blacksburg/Christiansburg/Montgomery Area MPO, in cooperation with the Town of Christiansburg, has completed the final draft of a study to analyze potential enhancements to improve traffic flow and safety at and near the intersection of North Franklin Street and Cambria Street in the Town of Christiansburg. A public meeting is scheduled for Wednesday, December 16, 2009 at the Town of Christiansburg's Council Chambers, 100 East Main Street.

County's Web Site - The County's revamped web site is live. Staff will be reviewing pages visited to see if any changes need to be made in the future to meet the needs of the citizens.

BOARD MEMBERS' REPORTS

There were no Board reports. All Board members wished everyone a merry and safe holiday.

ADJOURNMENT

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, January 11, 2010 at 6:00 p.m.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Gary D. Creed	
Doug Marrs	
John A. Muffo	
William H. Brown	
Mary W. Biggs	
Annette S. Perkins	

The meeting adjourned at 8:50 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins	F. Craig Meadows
Chair, Board of Supervisors	County Administrator